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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,559	09/17/2003	Scott C. Milton	84005WFN	4598

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Thomas H. Close
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

DEUBLE, MARK A

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,559

Applicant(s)

MILTON, SCOTT C.

Examiner

Mark A. Deuble

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/17/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment of claim 3 in which the first sheet guide is mounted on the base member for movement between an up position in the sheet transport path and a down position out of the sheet transport path must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hardy et al. (U.S. Patent No. 4,401,302).

Hardy et al. shows a sheet centering device that could be used for centering first and second size sheets. The device includes a base member 202/203 having a surface along which a sheet is transported along a sheet transport path and a skew roller 208 mounted on the base at an angle to the sheet transport path. A skew roller drive 213 rotates the skew roller so as to move a sheet into contact with a first sheet guide 224 or a second sheet guide 216 and on to imaging nip rollers 18 and 19 on a downstream portion 16 of the base. The first sheet guide 224 is fixedly mounted on the base member along one side thereof and the second sheet guide 216 is mounted on the base member parallel to but inwardly of the first sheet guide. A drive assembly formed by actuator 218 and linkages 222, 300, and 302 move the second sheet guide between a position out of the sheet transport path when a first sized sheet is transported along the sheet path and a position in the sheet path when a second sized sheet smaller than the first sized sheet is transported along the sheet transport path. Thus Hardy et al. shows all the structure required by claims 1-2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy et al. in view of Becker (U.S. patent No. 3,948,509).

Hardy et al. shows generally all the structure required by the claims except for the drive assembly having a rotatable cam and a lift spring as required by claims 3-4. However, shows a drive assembly for moving a lateral sheet guide 25 between first and second positions that includes a cam contacting an arm 4 on the lateral sheet guide to move the sheet guide and a lift spring 7 engaging another arm 6 on the lateral sheet guide for biasing the guide against the cam. Becker teaches that the cam mechanism provides an advantageous way to actuate a lateral sheet guide. Therefore, it would have been obvious to one of ordinary skill in the art to replace the drive assembly of hardy et al. with a drive assembly having a rotatable cam and a lift spring according to the teachings of Becker. When this is done, the resulting device would have all the structure required by claims 1-2 and 4-6.

6. Claim 4-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy et al. in view of Becker as applied to claims 1-2 and 4-6 above, and further in view of Williams et al. (U.S. patent No. 5,697,609).

Hardy et al. as modified in view of Becker would show generally all the structure required by the claims except for the means for mounting the skew roller for rotation about an

Art Unit: 3651

axis perpendicular to the sheet transport path so as to vary the drive angle of the roller in relation to different sized sheets transported along the path. However, Williams et al. shows a means for mounting a skew roller for rotation perpendicular to the sheet transport path. Williams et al. teaches that the use of adjustable angle skew rollers allows for better side registration of sheets being fed through the device. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a means for mounting the skew roller for rotation about an axis perpendicular to the sheet transport path according to the teachings of Williams et al. When this is done, the drive angle could be varied in relation to different sized sheets transported along the transport path.

Allowable Subject Matter

7. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heinzelmann et al. shows a film centering device similar to that of the present invention.

Wong shows an adjustable angle skew roller, which is similar to the skew roller of the present invention.

McGowan and Daniels both show side guides that may be moved into and out of the sheet transport path in a fashion similar to that of the present invention.

Art Unit: 3651


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (703) 305-9734.

The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P Ellis can be reached on (703) 308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600